

**ENTERED**

March 09, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ADORACION DELA CRUZ,

§

Plaintiff,

§

VS.

§ CIVIL ACTION NO. 4:15-CV-1752

UNITED RECOVERY SERVICES,

§

Defendant.

§

**Opinion and Order**

Before the court is Defendant's Motion to Vacate Clerk's Entry of Default and for Leave to File an Answer (Document No. 10). This document was referred to Judge Stacy, United States Magistrate Judge. Judge Stacy filed a Memorandum and Recommendation on January 22, 2016 (Document No. 17), recommending that Defendant's Motion (Document No. 10) be granted. As described below, the Court will adopt the findings of the Magistrate Judge.

No party has objected to the findings of the Magistrate Judge; therefore the Court will review the Memorandum and Recommendation of the Magistrate Judge under a "clearly erroneous, abuse of discretion and contrary to law" standard. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The Court finds that the Magistrate Judge's Memorandum and Recommendation are not clearly erroneous or contrary to law.

Having considered all applicable motions and the evidence in support thereof, the Magistrate Judge's Memorandum and Recommendation, the record of the case, and all applicable law, the Court adopts the Magistrate Judge's Memorandum and Recommendation as its own and

ORDERS that Defendant's Motion to Vacate (Document No. 10) is GRANTED and the Clerk's Entry of Default (Document No. 9) is VACATED. Defendant has 21 days from the date of this order to file an answer or other responsive pleading.

SIGNED at Houston, Texas, this 9 day of March, 2016.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE